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11 SOUTH CITY MOTORS, INC.

12 UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
14 (OAKLAND DIVISION)

15 AUTOMOTIVE INDUSTRIES PENSION
16 TRUST FUND, et al.,

Plaintiffs,

17 v.

18 SOUTH CITY FORD, INC., a California
19 corporation, et al.,

20 Defendants.

Case No.: C 11-04590 CW

**STIPULATION AND JOINT
ADMINISTRATIVE MOTION TO
AMEND CASE MANAGEMENT
ORDER**

**Complaint filed: September 15, 2011
Trial Date: Not Set**

21 The plaintiffs' first amended complaint contains two causes of action against defendants
22 South City Ford, Inc. ("SC Ford"), David J. Gonzalez and Florida Gonzalez (collectively "the SC
23 Ford defendants"), alleging that all are jointly and severally liable for SC Ford's ERISA
24 withdrawal liability as a control group. The first amended complaint also contains a third cause of
25 action against defendant South City Motors, Inc. ("SC Motors") only, alleging that SC Motors is
26 liable for the withdrawal liability based on its alleged status as SC Ford's successor.

27 On January 4, 2012, this Court entered its Minute Order and Case Management Order (Dkt

1 No. 31), setting the following dates:

2 ADR session to be held by: 3/20/12
(or as soon thereafter as is convenient to the mediator's schedule)

3 Deadline to add additional parties or claims: 5/4/12

4 Date of next case management conference: 12/20/12

5 Completion of Fact Discovery: 11/19/12

6 Disclosure of identities and reports of expert witnesses: 1/31/13

7 Rebuttal: 2/28/13

8 Completion of Expert Discovery: 3/29/13

9 All case-dispositive motions to be heard at 2:00 P.M.
on or before: 12/20/12

10 Final Pretrial Conference: Not set

11 Trial: Not set

12 The Case Management Order was amended once to extend the deadline for completing
13 ADR from March 20, 2012, to March 30, 2012. The parties attended a mediation session that did
14 not result in settlement.

15 Plaintiffs are preparing to file a motion for summary judgment against the SC Ford
16 defendants, which will be heard on the scheduled deadline of December 20, 2012. SC Motors
17 contends, and the plaintiffs deny, that plaintiffs must first attempt recovery against the SC Ford
18 defendants before they can recover from SC Motors as a successor.

19 The stipulating parties believe that it would be a more efficient use of the Court's and
20 parties' resources to extend the case management dates as to the third cause of action against SC
21 Motors only, so that the plaintiffs can first attempt recovery against the SC Ford defendants. In
22 addition, prosecuting the case in two phases may result in the narrowing of issues to be decided if
23 it is necessary to go forward on the successorship claim against SC Motors by addressing the
24 disputed contention that SC Motors' liability is secondary to that of the SC Ford defendants.

25 For these reasons, plaintiffs and defendant SC Motors, through their respective counsel,
26 hereby stipulate and request that the Court amend its Case Management Order as follows:

27 Completion of Fact Discovery on Third Cause of Action: 3/29/13

28 All case-dispositive motions on Third Cause of Action
to be heard at 2:00 P.M. on or before: 5/15/13

Further case management conference at 2:00 P.M.: 5/15/13

IT IS SO STIPULATED.

ATTESTATION RE SIGNATURES

I, Anne M. Bevington, declare under penalty of perjury that I have obtained concurrence in the filing of this document from Joshua J. Cliffe, attorney of record for defendant South City Motors, Inc., who agreed that the document may be filed with his electronic signature.

Dated: November 2, 2012.

SALTZMAN & JOHNSON LAW
CORPORATION

By: /s/ Anne M. Bevington
Anne M. Bevington
Attorneys for Plaintiffs

Dated: November 6, 2012.

LITTLER MENDELSON
A Professional Corporation

By: /s/ Joshua J. Cliffe
Joshua J. Cliffe
Attorneys for Defendant
South City Motors, Inc.

ORDER

Plaintiffs and defendant South City Motors, Inc., having so stipulated, and good cause being shown, the Case Management Order is hereby amended to extend case management dates as to the Third Cause of Action of Plaintiffs' First Amended Complaint as follows:

Completion of Fact Discovery on Third Cause of Action: 3/29/13

All case-dispositive motions on Third Cause of Action
to be heard at 2:00 P.M. on or before: 5/16/13

Further case management conference at 2:00 P.M.: 5/16/13

The Court further orders:

IT IS SO ORDERED.

Dated: November 8, 2012.


HON. CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE